

HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

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Writ Petition No. 9417 of 2006

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Between:

A. Kondala Rao

... Petitioner

And

The Hon'ble District Judge,
Ongole, Prakasam District.

... Respondents

:: ORDER ::

Counsel for the Petitioner: Sri Kouturu Vinay Kumar

Dated: 28-04-2006

Per G.S. Singhvi, CJ

Feeling aggrieved by the rejection of his application for compassionate appointment by District Judge, Ongole (respondent), the petitioner has filed this petition under Article 226 of the Constitution of India.

The petitioner claims that he is an adopted son of Smt.A. Vijayalakshmi, who was employed as Attender under the respondent in Special Mobile Court at Ongole. After her death on 11-5-2003, he applied to the respondent for appointment on compassionate ground by stating that, being the dependant of the deceased, he was entitled to such appointment. His application was rejected by the respondent on the ground that his so-called adoption just before the demise of Smt.A. Vijayalakshmi was highly suspicious and, in any case, an adopted son is not entitled to be appointed on compassionate grounds.

Sri Kowturu Vinay Kumar, learned counsel for the petitioner relied on the instructions issued by the State Government vide G.O.Ms.No.612 dated 30-10-1991 and argued that the rejection of his client's application for compassionate appointment is liable to be nullified being wholly arbitrary and discriminatory. Learned counsel emphasised that the respondent did not have any reason to doubt the credibility of the petitioner's adoption by late Smt.A. Vijayalakshmi and, therefore, his application for compassionate appointment should not have been rejected.

In our opinion, there is no merit in the arguments of the learned counsel and the writ petition is liable to be dismissed summarily. As per his own saying, the petitioner is the real brother of Smt.A. Vijayalakshmi. Although he claims to have been adopted by the latter on 6-5-2003 i.e., just five days before her demise, no evidence was

produced before the respondent to show that adoption was made in accordance with law. Therefore, the respondent did not commit any illegality by refusing to entertain the petitioner's application for compassionate appointment and we do not find any valid ground to interfere with his decision.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD, J

28-04-2006

KS /svs